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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,414	08/23/2001	Elmootazbellah Nabil Elnozahy	AUS920010135US1	9849
44994	7590	01/26/2005		
IBM CORPORATION (DWL) C/O LALLY & LALLY, L.L.P. P. O. BOX 684749 AUSTIN, TX 78768-4749			EXAMINER HU, JINSONG	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,414

Applicant(s)

ELNOZAHY ET AL

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-7, 9-10, 12-15 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gopal et al. (US 6,163,812).
4. As per claims 1 and 4-5, Gopal teaches the invention as claimed including a web server having a user space and an operating system space [col. 2, lines 50-57; 150, 160, Fig. 1], comprising of a user space application level interpreter configured to process client requests [440, Fig. 4; col. 5, lines 28-60]; at least one user space kernel extension device driver enabling the application level interpreter to communicate with a network interface [col. 5, line 61 – col. 6, line 7]; and a user space transmission protocol library enabling the web server to process client requests and the corresponding

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responses within the user space [col. 6, lines 16-48; col. 8, lines 29-43].

5. As per claim 2, Gopal teaches the interpreter comprises an HTTP interpreter [col. 5, line 59 – col. 6, line 7].

6. As per claim 6, Gopal teaches the web server includes a user space file cache [col. 5, lines 40-60; col. 7, lines 34-52].

7. As per claim 7, Gopal teaches web server is configured to initiate multiple threads within its user space responsive to user requests [col. 7, lines 1-5].

8. As per claims 9-10 and 11-15, since they are apparatus claims of claims 1-2 and 4-7, they are rejected for the same basis as claims 1-2 and 4-7 above.

9. As per claims 17-19, since they are computer program claims of claims 1-2 and 4-7, they are rejected for the same basis as claims 1-2 and 4-7 above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 3, 8, 11, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gopal et al. (US 6,163,812) as applied to claims 1-2, 4-7, 9-10, 12-15 and 17-19 above, in view of "Official Notice".

12. As per claims 3 and 11, Gopal teaches the invention substantially as claimed in claim 1. "Official Notice" is taken that both the concept and advantages of providing for polling network interface periodically is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include polling network interface periodically with Gopal's system because it would increase efficiency of the system by processing user's request without delay once user's request arrived.

13. As per claims 8, 16 and 20, Gopal teach the invention substantially as claimed in claim 1. Gopal does not specifically teach the user space threads including perl scripts, cgi threads and Java servlets. "Official Notice" is taken that both the concept and advantages of providing for perl scripts, cgi threads and Java servlets are well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include perl scripts, cgi threads and Java servlets with Gopal's system because it would improve the functionality of the system by providing diverse services to user.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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Brabson et al. (Pub. No. US 2003/0023767), discloses kernel based transaction system;

Keane et al. (Pub. No. US 2003/0131263), discloses packet processing system;

Gbadegesin (US 6,779,035), discloses a transport layer session application;

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

January 18, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

